

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-437313-001 SE

01/16/2014

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT

G. Vacanari

Deputy

STATE OF ARIZONA

CLAYTON ALEC LYNAS

v.

JACOB LEROY ELLIS (001)

DOB: 11/17/1987

DENISE FRANCES DEES

APO-SENTENCE IMPRISON-SE

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE OF IMPRISONMENT

8:53 a.m.

Courtroom SCT 8A

State's Attorney: Krystal Garza for Clayton Lynas

Defendant's Attorney: John Schultz for Denise Dees

Defendant: Present

Court Reporter, Tara Kramer, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Sentencing/Mitigation Hearing.

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The Court addresses the Defendant's avowals in the Plea Agreement that Defendant has five (5) prior felony convictions and that the Defendant was not on probation at the time of the offense whereas the criminal history in the Presentence Report lists eight (8) prior felony convictions and that the Defendant was on probation.

Counsel for the State does not wish to withdraw from the Plea Agreement.

Based on the Presentence Report and the parties' stipulation,

IT IS ORDERED amending the original Plea Agreement to reflect on page 2, paragraph 5, the defendant avows having exactly EIGHT (8) prior felony convictions and that he WAS on probation or parole/community supervision at the time of the offense.

FILED: Amended Plea Agreement.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Burglary In The Second Degree
Class 3 Felony
A.R.S. § 13-1507, 13-1501, 13-105, 13-701, 13-702, and 13-801
Date of Offense: 08/28/2012
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 3.50 year(s) from 01/16/2014
Presentence Incarceration Credit: 140 day(s)
Presumptive
Sentence is concurrent with CR2012-030157-001 and CR2012-147876-001.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

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PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 1 - \$13.00.

Investigative Agency:

Chandler Police Department

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED granting the Motion to Dismiss the following: MCAO agrees not to file the Burglary 2nd Degree or Theft charges described in Chandler PD DR#2012-66740, however, the defendant agrees to pay restitution as outlined in paragraph 2 of the plea agreement to all victims in Chandler PD DR#2012-66740.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED the Defendant shall have no contact with the victims and shall not return to the scene of the crime.

9:04 a.m. Matter concludes.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine
their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE MARGARET R. MAHONEY
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)